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**U.S. District Court
Eastern District of California - Live System (Sacramento)
CIVIL DOCKET FOR CASE #: 2:10-cv-00065-KJM-EFB**

(PS) Parker v. United States Department of Justice, et al
Assigned to: Judge Kimberly J. Mueller
Referred to: Magistrate Judge Edmund F. Brennan
Cause: 05:552 Freedom of Information Act

Date Filed: 01/08/2010
Date Terminated: 03/29/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

Richard Wayne Parker

represented by **Richard Wayne Parker**
11678-112
FCI Menota (MED)
FEDERAL CORRECTIONAL
INSTITUTION
P.O. Box 9
Mendota, CA 93640
PRO SE

V.

Defendant

United States Department of Justice

represented by **Yoshinori H. T. Himel**
United States Attorney's Office
501 I Street
Suite 10-100
Sacramento, CA 95814
(916) 554-2760
Fax: (916) 554-2900
Email: yoshinori.himel@usdoj.gov
LEAD ATTORNEY

Defendant**Federal Bureau of Investigation**

represented by **Yoshinori H. T. Himel**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Drug Enforcement Administration**

represented by **Yoshinori H. T. Himel**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/08/2010	<u>1</u>	COMPLAINT against all defendants by Richard Wayne Parker.(Becknal, R) (Entered: 01/13/2010)
01/08/2010	<u>2</u>	MOTION to PROCEED IN FORMA PAUPERIS by Richard Wayne Parker. (Becknal, R) (Entered: 01/13/2010)
01/13/2010		APPLICATION TO PROCEED IFP filed - Action Required. (Becknal, R) (Entered: 01/13/2010)
02/08/2010	<u>3</u>	REQUEST for STATUS by Richard Wayne Parker. (Owen, K) (Entered: 02/09/2010)
03/24/2010	<u>4</u>	REQUEST FOR STATUS and cofirmation of case number by Richard Wayne Parker. (Benson, A.) (Entered: 03/25/2010)
05/20/2010	<u>5</u>	ORDER signed by Magistrate Judge Edmund F. Brennan on 5/19/10, ORDERING that pltf's <u>2</u> MOTION to PROCEED IFP is GRANTED. Pltf is to pay the \$350 filing fee in accordance with the notice to the Warden of Herlong Fed Correctional Institution. The Clerk is directed to issue all process pursuant to FRCP 4. The Clerk shall send pltf four USM-285 forms, one summons, a copy of the complaint, this court's scheduling order, and consent form to proceed before the magistrate judge. Pltf shall supply the USM, within 21 days from the date this order is filed, all info needed by the USM to effect service of process, and shall, within 14 days thereafter, file a statement with the court that said documents have been submitted to the USM. The USM shall serve process, with copies of this court's scheduling order and related

		documents, within 90 days of receipt of the required info from pltf. The USM shall, within 14 days thereafter, file a statement with the court that said documents have been served. The Clerk shall serve a copy of this order on the USM. (Kastilahn, A) (Entered: 05/20/2010)
05/20/2010	6	CIVIL NEW CASE DOCUMENTS ISSUED; Initial Scheduling Conference SET for 9/29/2010 at 10:00 AM in Courtroom 24 (EFB) before Magistrate Judge Edmund F. Brennan. (Attachments: # 1 Order re Consent) (Kastilahn, A) (Entered: 05/20/2010)
05/20/2010	7	SUMMONS ISSUED as to *United States Department of Justice, Federal Bureau of Investigation, Drug Enforcement Administration* with answer to complaint due within *60* days. *Richard Wayne Parker, 11678-112* *Herlong Federal Correctional Institution* *P.O. Box 800* *Herlong, CA 96113*. (Kastilahn, A) (Entered: 05/20/2010)
05/20/2010		SERVICE BY MAIL: 7 Summons, 6 Civil New Case Documents for MCE, 5 Order served on Richard Wayne Parker w/four USM 285 forms, and copy of the complaint. Served USM w/copy of 5 Order. (Kastilahn, A) (Entered: 05/20/2010)
05/20/2010	8	ORDER signed by Magistrate Judge Edmund F. Brennan on 5/19/10 ORDERING pltf to pay the \$350 filing fee; pltf must make monthly payments of 20 percent of the preceding month's income credited to his trust account; the Clerk of the Court shall serve a copy of this order and a copy of pltf's IFP application upon the Warden of Herlong Federal Correctional Institution and to the Clerk's financial division.(Carlos, K) (Attachments: # 1 Appl to Proceed IFP)(Carlos, K) (Entered: 05/20/2010)
05/20/2010		SERVICE BY MAIL: 8 Order served on Richard Wayne Parker and the Warden of Herlong Federal Correctional Institution w/ a copy of the IFP application. (Carlos, K) (Entered: 05/20/2010)
06/07/2010	9	NOTICE by Richard Wayne Parker of complying with 5 the court's order. (Kastilahn, A) (Entered: 06/08/2010)
06/21/2010	10	STATEMENT of Compliance by Plaintiff Richard Wayne Parker. (Mena-Sanchez, L) (Entered: 06/22/2010)
07/02/2010	11	DECLINE to PROCEED BEFORE US MAGISTRATE JUDGE by Richard Wayne Parker. (Carlos, K) (Entered: 07/07/2010)
07/14/2010	12	SUMMONS RETURNED EXECUTED. Drug Enforcement Administration; Federal Bureau of Investigation; United States Department of Justice served on 7/12/2010. (Zignago, K.) (Entered: 07/15/2010)
08/11/2010	13	ANSWER to COMPLAINT by Drug Enforcement Administration, Federal Bureau of Investigation, United States Department of Justice. Attorney Himel, Yoshinori H. T.

		added. (Himel, Yoshinori) (Entered: 08/11/2010)
08/11/2010	<u>1</u> <u>4</u>	CERTIFICATE of SERVICE for <u>13</u> Answer to Complaint by defendants. (Himel, Yoshinori) Modified on 8/12/2010 (Marciel, M). (Entered: 08/11/2010)
08/19/2010	<u>1</u> <u>5</u>	NOTICE by Richard Wayne Parker re problems with service of summons. (Zignago, K.) (Entered: 08/20/2010)
08/20/2010	<u>1</u> <u>6</u>	RESPONSE by Richard Wayne Parker to <u>13</u> Answer to Complaint and opposition to motion to dismiss. (Carlos, K) (Entered: 08/24/2010)
08/27/2010	<u>1</u> <u>7</u>	FIRST AMENDED ANSWER to COMPLAINT by Drug Enforcement Administration, Federal Bureau of Investigation, United States Department of Justice. (Himel, Yoshinori) (Entered: 08/27/2010)
09/09/2010	<u>1</u> <u>8</u>	RESPONSE by plaintiff Richard Wayne Parker to <u>17</u> Answer to First Amended Complaint; OPPOSITION to Motion to Dismiss. (Marciel, M) (Entered: 09/10/2010)
09/13/2010	<u>1</u> <u>9</u>	MOTION by Richard Wayne Parker requesting to appear telephonically at the 9/29/10 status conference. (Kastilahn, A) (Entered: 09/14/2010)
09/14/2010	<u>2</u> <u>0</u>	STATUS REPORT by Drug Enforcement Administration, Federal Bureau of Investigation, United States Department of Justice. (Himel, Yoshinori) (Entered: 09/14/2010)
09/17/2010	<u>2</u> <u>1</u>	ORDER signed by Magistrate Judge Edmund F. Brennan on 9/17/10, ORDERING that the status conference is CONT'D to 12/15/2010 at 10:00 AM in Courtroom 24 (EFB) before Magistrate Judge Edmund F. Brennan. On or before 12/1/10, dfts shall file a further status report. Pltf's <u>19</u> request to appear telephonically at the 9/29/10 status conference, is DENIED AS MOOT. (Kastilahn, A) (Entered: 09/17/2010)
09/17/2010		SERVICE BY MAIL: <u>21</u> Order served on Richard Wayne Parker. (Kastilahn, A) (Entered: 09/17/2010)
12/01/2010	<u>2</u> <u>2</u>	STATUS REPORT by Drug Enforcement Administration, Federal Bureau of Investigation, United States Department of Justice. (Himel, Yoshinori) (Entered: 12/01/2010)
12/02/2010	<u>2</u> <u>3</u>	SECOND STATUS REPORT by Richard Wayne Parker. (Benson, A.) (Entered: 12/03/2010)
12/08/2010	<u>2</u> <u>4</u>	ORDER signed by Magistrate Judge Edmund F. Brennan on 12/8/10 ORDERING the status Conference reset for 2/16/11 at 10:00 AM in Courtroom 24 (EFB) before

		Magistrate Judge Edmund F. Brennan. (Becknal, R) (Entered: 12/08/2010)
01/20/2011	2 5	ORDER by Chief Judge Anthony W. Ishii: Due to the appointment of Judge Kimberly J. Mueller to the position of U.S. District Judge, this action is reassigned from *Judge Morrison C. England Jr.* to Judge Mueller for all further proceedings. (Deutsch, S) (Entered: 01/20/2011)
01/20/2011		SERVICE BY MAIL: 25 Order Reassigning District Judge Mueller, served on Richard Wayne Parker. (Deutsch, S) (Entered: 01/20/2011)
02/02/2011	2 6	FURTHER STATUS REPORT by federal defendants. (Himel, Yoshinori) Modified on 2/3/2011 (Marciel, M). (Entered: 02/02/2011)
02/10/2011	2 7	THIRD STATUS REPORT by Richard Wayne Parker, and NOTICE of inability to appear at the 2/16/11 status conf. (Kastilahn, A) (Entered: 02/11/2011)
02/15/2011	2 8	SCHEDULING ORDER signed by Magistrate Judge Edmund F. Brennan on 02/15/11 VACATING the scheduling conference currently set for February 16, 2011. DOJ has until June 15, 2011 to file a motion to dismiss the improper defendants for lack of subject matter jurisdiction and for summary judgment on the FOIA merits. Plaintiff also has until June 15, 2011 to file a motion for summary judgment. No further dates will be set at this time. However, if this action is not resolved on summary judgment, the court will set deadlines for discovery and law and motion, and will schedule a final pretrial conference and trial. (Williams, D) (Entered: 02/15/2011)
02/15/2011		SERVICE BY MAIL: 28 Scheduling Order, served on Richard Wayne Parker. (Williams, D) (Entered: 02/15/2011)
06/14/2011	2 9	EX PARTE APPLICATION and PROPOSED ORDER to Extend Time to File Motion by Drug Enforcement Administration, Federal Bureau of Investigation, United States Department of Justice. (Himel, Yoshinori) Modified on 6/15/2011 (Zignago, K.). (Entered: 06/14/2011)
06/16/2011	3 0	ORDER signed by Magistrate Judge Edmund F. Brennan on 06/16/11 ORDERING that dfts' 29 Request is GRANTED; dfts shall file the dismissal and summary judgment motion by 06/29/11. (Benson, A.) (Entered: 06/16/2011)
06/17/2011		SERVICE BY MAIL: 30 Order served on Richard Wayne Parker. (Benson, A.) (Entered: 06/17/2011)
06/29/2011	3 1	MOTION to DISMISS for LACK of JURISDICTION and MOTION for SUMMARY JUDGMENT by United States Department of Justice. (Attachments: # 1 Statement of Undisputed Facts, # 2 Declaration Dennis J. Argall, # 3 Exhibits A-M, # 4 Exhibit N part 1, # 5 Exhibit N part 2, # 6 Exhibit N part 3, # 7 Declaration William

		C. Little, Jr., # 8 Exhibits A-I)(Himel, Yoshinori) (Entered: 06/29/2011)
07/06/2011	3 2	ORDER signed by Magistrate Judge Edmund F. Brennan on 7/6/11 ORDERING that plaintiff file an opposition or a statement of non-opposition to 31 MOTION to DISMISS on or before 7/20/11 and that defendant may file a reply to plaintiff's opposition, if any, on or before 7/27/11. Failure of plaintiff to comply with this order will be deemed a statement of non-opposition to the motion, and may result in a recommendation that the motion be granted and/or that this action be dismissed for failure to prosecute and for failure to comply with court orders and this courts Local Rules. See Fed. R. Civ. P. 41(b). (Meuleman, A) (Entered: 07/06/2011)
07/06/2011		SERVICE BY MAIL: 32 Order served on Richard Wayne Parker. (Meuleman, A) (Entered: 07/06/2011)
07/11/2011	3 3	OPPOSITION by Richard Wayne Parker to 31 Motion to Dismiss and Motion for Summary Judgment and incorporated REQUEST for Discovery to Clarify the Claims Presented Prior to the Court Ruling on Summary Judgment. (Meuleman, A) (Entered: 07/12/2011)
07/13/2011	3 4	NOTICE of Interference with Legal Mail by Richard Wayne Parker. (Michel, G) (Entered: 07/14/2011)
07/13/2011	3 5	NOTICE of Intent to File Amended Response to defendants 31 Motion to Dismiss, Motion for Summary Judgment by Richard Wayne Parker. (Michel, G) (Entered: 07/14/2011)
07/15/2011	3 6	REPLY by United States Department of Justice in support of 31 Motion to Dismiss and for Summary Judgment. (Himel, Yoshinori) (Entered: 07/15/2011)
07/15/2011	3 7	AMENDED RESPONSE to 31 Statement of Undisputed Facts and MOTION TO STRIKE by Richard Wayne Parker. (Benson, A.) (Entered: 07/18/2011)
07/25/2011	3 8	OPPOSITION by United States Department of Justice to 37 Amended Response and Motion to Strike. (Himel, Yoshinori) (Entered: 07/25/2011)
08/04/2011	3 9	MOTION for 14-DAY EXTENSION OF TIME to Reply to Defendant's OPPOSITON 38 to Motion by Richard Wayne Parker. (Mena-Sanchez, L) (Entered: 08/05/2011)
08/09/2011	4 0	ORDER signed by Magistrate Judge Edmund F. Brennan on 8/9/2011 GRANTING 39 Motion for Extension of Time. Pltf has until 8/22/2011 to file a reply to the DOJ's opposition to Pltf's motion to strike. (Zignago, K.) (Entered: 08/09/2011)
08/09/2011		SERVICE BY MAIL: 40 Order served on Richard Wayne Parker. (Zignago, K.)

		(Entered: 08/09/2011)
08/10/2011	4 1	REPLY by Richard Wayne Parker to RESPONSE to 37 Amended Response and Motion to Strike. (Meuleman, A) (Entered: 08/11/2011)
02/09/2012	4 2	NOTICE of CHANGE of ADDRESS to FCI Menota (Med), P.O. Box 9, Mendota, CA 93640 by Richard Wayne Parker. (Meuleman, A) (Entered: 02/10/2012)
03/13/2012	4 3	FINDINGS and RECOMMENDATIONS recommending that DOJ's 31 Motion to Dismiss defendants OIP, FBI, and DEA and for Summary Judgment be granted; plaintiff's claim for DEA records be dismissed for lack of jurisdiction; plaintiffs 37 Motion to Strike portions of DOJ's Motion and supporting papers be denied; plaintiff's Motion for Discovery be denied; Clerk be directed to enter Judgment for DOJ, and close this case, signed by Magistrate Judge Edmund F. Brennan on 3/12/2012. These F/Rs are submitted to District Judge Kimberly J. Mueller. Within 14 days after being served with F/Rs, any party may file written Objections with Court and serve all parties. (Marciel, M) (Entered: 03/13/2012)
03/13/2012		SERVICE BY MAIL: 43 Findings and Recommendations (Motion) served on plaintiff Richard Wayne Parker. (Marciel, M) (Entered: 03/13/2012)
03/23/2012	4 5	RESPONSE to findings and recommendations by Richard W Parker. (Becknal, R) (Entered: 03/26/2012)
03/29/2012	4 6	ORDER signed by Judge Kimberly J. Mueller on 3/29/2012 ADOPTING 43 Findings and Recommendations, GRANTING 31 Motion to Dismiss, DENYING 33 Motion for Discovery and DENYING 37 Motion to strike portions of the DOJ's motion. CASE CLOSED. (Donati, J) (Entered: 03/29/2012)
03/29/2012	4 7	JUDGMENT dated *3/29/2012* pursuant to order signed by Judge Kimberly J. Mueller on 3/29/2012. (Donati, J) (Entered: 03/29/2012)
03/29/2012		SERVICE BY MAIL: 47 Judgment and 46 Order Adopting Findings and Recommendations served on Richard Wayne Parker. (Donati, J) (Entered: 03/29/2012)

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